

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Prasad DEVARAJAN et al. : Confirmation No: 2792
Serial No.: 10/811,130 : Group Art Unit: 1641
Filed: March 26, 2004 : Examiner: FOSTER, Christine E.
A METHOD AND KIT FOR DETECTING THE EARLY
ONSET OF RENAL TUBULAR CELL INJURY


TRANSMITTAL OF DECLARATION UNDER 37 CFR 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith is a Supplemental Declaration under 37 CFR 1.132 of Prasad Devarajan and Jonathan Barasch. The newly submitted Declaration addresses the contention in the communication received from the firm of Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C., that the statement(s) in paragraph 10 of the Declaration under 37 CFR 1.132 filed on December 9, 2009, is/are incorrect.

Given that the Declaration of December 9, 2009, was filed with an RCE and a response to the final Office Action, and this Declaration is being submitted before issuance of a new Office Action, Applicants respectfully submit that this issue is being timely addressed and prior to the Office potentially relying on any statements in contention in further examination of the application. In this regard, Applicants also respectfully submit that, to the extent that any similar statements were made earlier in prosecution by Applicants pertaining to complexes of NGAL with MMP-9 and TIMP-1, it does not appear from the record that the Office has previously relied on any such statements in prior examination of the application.

Respectfully submitted,



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Date: January 31, 2011